

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

_____)	
IN RE: MBNA CORPORATION)	
DERIVATIVE AND CLASS)	
LITIGATION)	
_____)	Lead Case No. 05cv327 (GMS)
)	
This Document Relates To:)	
)	
ALL ACTIONS.)	
_____)	

ORDER

WHEREAS, on January 20, 2006, the Outside Director defendants (the “Outside Directors”) filed a Motion to Dismiss (D.I. 42) in the above-captioned derivative and class litigation;

WHEREAS, on April 5, 2006, briefing on the Outside Directors’ motion was completed by the parties;

WHEREAS, on April 21, 2006, the plaintiffs filed a Motion for Leave to File a Sur-Reply (D.I. 55);

WHEREAS, the motion requests an opportunity to address the assertion that this court lacks subject matter jurisdiction over the action, which appears for the first time in the Outside Directors’ reply brief to their motion to dismiss;

WHEREAS, on April 27, 2006, the Outside Directors filed an answering brief to the motion, which states that they do not oppose the plaintiffs’ request to address their subject matter jurisdiction defense; and

WHEREAS, the court concludes that it would be in the interest of justice to permit the plaintiff's to address the subject matter jurisdiction defense raised in the Outside Directors' reply brief;

IT IS HEREBY ORDERED that:

1. The plaintiffs' Motion for Leave to File a Sur-Reply (D.I. 55) is GRANTED.
2. The plaintiffs shall file their sur-reply, addressing only the subject matter jurisdiction defense, within ten (10) days of the date of this Order.

Dated: November 27, 2006

/s/ Gregory M. Sleet
UNITED STATES DISTRICT JUDGE